

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA**  
**Plaintiff,**

**v.**

**Case No. 12-CR-116**

**PHILIP WENTZEL**  
**Defendant.**

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**ORDER**

Defendant Philip Wentzel seeks preparation of the transcript of his arraignment. He indicates that he needs the transcript for a potential § 2255 motion.

Under 28 U.S.C. § 753(f), an indigent defendant may obtain free transcripts to prosecute a § 2255 action, “if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.” The defendant must first file the § 2255 action in order to obtain transcripts under § 753(f). United States v. Horvath, 157 F.3d 131, 132-33 (2d Cir. 1998) (citing Chapman v. United States, 55 F.3d 390, 391 (8<sup>th</sup> Cir. 1995); United States ex rel. Davidson v. Wilkinson, 618 F.2d 1215, 1219 (7<sup>th</sup> Cir. 1980)). Defendant has not yet filed a § 2255 motion. Nor does he explain why he needs this transcript to litigate any such motion.

**THEREFORE, IT IS ORDERED** that defendant’s request (R. 55) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 10<sup>th</sup> day of October, 2014.

/s Lynn Adelman  
LYNN ADELMAN  
District Judge